

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #7	CCRB Case #: 201805449	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/26/2018 2:30 PM	Location of Incident: Patchen Avenue and Sumpter Street	Precinct: 81	18 Mo. SOL 11/26/2019	EO SOL 11/26/2019	
Date/Time CV Reported Mon, 07/09/2018 9:52 AM	CV Reported At: IAB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 06/04/2018 11:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Abel Lovera	01160	954081	081 PCT
2. POM Joel Rodriguez	16835	955399	081 PCT
3. POM Soney Varghese	15438	957246	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Abel Lovera	Abuse: Police Officer Abel Lovera stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Soney Varghese	Abuse: Police Officer Soney Varghese stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.POM Joel Rodriguez	Abuse: Police Officer Joel Rodriguez stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
D.POM Joel Rodriguez	Discourtesy: Police Officer Joel Rodriguez spoke discourteously to § 87(2)(b)	

Case Summary

On May 27, 2018, § 87(2)(b) filed this complaint at the 81st Precinct stationhouse. On June 4, 2018, the case was received at the CCRB.

On May 26, 2018, at approximately 2:30 p.m., in the vicinity of Patchen Avenue and Sumpter Street in Brooklyn, Police Officers Abel Lovera, Joel Rodriguez and Soney Varghese of the 81st Precinct stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants (**Allegations A, B and C - Abuse of Authority:** § 87(2)(g) PO Rodriguez allegedly said to § 87(2)(b) “You work for the City? You know I could fuck you” (**Allegation D – Discourtesy:** § 87(2)(g) § 87(2)(g)).

No arrest or summons resulted from this incident.

There is no video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Abel Lovera stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: Police Officer Soney Varghese stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (C) Abuse of Authority: Police Officer Joel Rodriguez stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) (Board Review 01) said he and his § 87(2)(b) brother, § 87(2)(b) and his § 87(2)(b) cousin, § 87(2)(b) were driving in the vicinity of Malcolm X Boulevard and Fulton Street in Brooklyn when a black sedan pulled up in front of the vehicle from behind. § 87(2)(b) stopped his vehicle and PO Abel Lovera and PO Joel Rodriguez approached his driver’s and front passenger’s sides, respectively. PO Soney Varghese remained by the black sedan and did not approach § 87(2)(b) vehicle. PO Lovera told § 87(2)(b) that the officers had been trying to stop him awhile and asked why § 87(2)(b) failed to stop. § 87(2)(b) said his windows were rolled up and that he was distracted by the loud music that was playing inside his vehicle. PO Lovera ordered § 87(2)(b) to produce his license and registration. § 87(2)(b) § 87(2)(b) complied and PO Lovera returned to the black sedan. None of the officers informed § 87(2)(b) the reason for the vehicle stop, but he acknowledged that his front windows were darkly tinted and that he had license plate covers. § 87(2)(b) denied that the plate covers obstructed his license plates, but he did not know whether the window tints were within the legally required limits.

§ 87(2)(b) provided a phone statement to the CCRB and corroborated § 87(2)(b) § 87(2)(b) account (Board Review 02). § 87(2)(b) § 87(2)(b) mother, declined to allow § 87(2)(b) participate in this complaint (Board Review 03).

PO Lovera (Board Review 04), PO Rodriguez (Board Review 05), and PO Varghese (Board Review 06) all corroborated § 87(2)(b) account, but with the following exceptions. PO Lovera, PO Rodriguez, and PO Varghese all said that § 87(2)(b) and his vehicle’s occupants were stopped on Patchen Avenue and Sumpter Street and that § 87(2)(b) was informed that he was stopped because of plate covers and tinted windows. The officers did not test the windows for tints and they collectively decided not to arrest or issue § 87(2)(b) summonses for the alleged violations because § 87(2)(b) showed remorse and said he was a § 87(2)(b).

The use or placing posters or stickers on windshields or rear windows of motor vehicles other than those authorized by the commissioner, is prohibited.... No person shall operate on any public highway, road, or street, any motor vehicle which the windshield, side and rear windows are composed of, covered by, or treated with any material which has a light transmittance of less than 70%. NYS Vehicle and Traffic Law, Title 3 Article 9, § 375 (1-a) (12-a[b-1]). Board Review 07).

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (D) Discourtesy: Police Officer Joel Rodriguez spoke discourteously to § 87(2)(b)

§ 87(2)(b) said he told the officers that he worked at the § 87(2)(b) [REDACTED], at which point PO Rodriguez said to him, “You work for the § 87(2)(b) [REDACTED]? You know I could fuck you.” § 87(2)(b) asked PO Rodriguez what he meant by the alleged statement, but PO Rodriguez did not respond and walked away. PO Lovera gave § 87(2)(b) back his license and registration and said he was free to leave. § 87(2)(b) drove off.

§ 87(2)(b) corroborated § 87(2)(b) account.

As discussed earlier, § 87(2)(b) declined to participate in this complaint.

PO Rodriguez, PO Lovera, and PO Varghese, all said that § 87(2)(b) voluntarily gave PO Lovera his work identification card and said he worked for the § 87(2)(b) [REDACTED]. PO Rodriguez did not recall having any conversation with § 87(2)(b) about his employment with the § 87(2)(b) nor did he recall making the alleged statement to § 87(2)(b). PO Lovera and PO Varghese both denied making the alleged statement to § 87(2)(b) and neither did they hear PO Rodriguez do same or use any profanities during this interaction.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).
- PO Lovera has been a member-of-service for five years and has been a subject in seven CCRB complaints and twelve allegations, five of which remain open and the remaining

of which were not substantiated. § 87(2)(g)

- PO Varghese has been a member-of-service for four years and has been a subject in five CCRB complaints and seven allegations, of which one was substantiated:
 - Case 201800773 involved a substantiated frisk allegation against PO Varghese. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline.

§ 87(2)(g)

- PO Rodriguez has been a member-of-service for five years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On October 18, 2018, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller, and the inquiry is still pending. The results will be added to the case file upon receipt (Board Review 10).

- § 87(2)(b) § 87(2)(c)

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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